



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2014 REGULAR SESSION

HOUSE BILL NO. 181

AS ENACTED

MONDAY, FEBRUARY 24, 2014

RECEIVED AND FILED
DATE March 5, 2014
1:56 p.m.
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Mary Sue Nelson

1 AN ACT relating to eggs and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 260.540 is amended to read as follows:

4 As used in KRS 260.540 to 260.650, unless the context otherwise requires:

- 5 (1) "Ambient temperature" means the atmospheric temperature surrounding or
6 encircling shell eggs;
- 7 (2) "Board" means the Egg Marketing Board;
- 8 (3) "Candle" means to determine the interior quality of a shell egg based on the use of a
9 candling light as defined in the USDA Handbook 75(7 CFR Part 56);
- 10 (4) "Candled and graded" means candled and graded under state and federal standards
11 and regulations;
- 12 (5) "Case" means a container of thirty (30) dozen shell eggs as used in commercial
13 practice in the United States. The term "half-case" shall mean a container of fifteen
14 (15) dozen eggs. Case also means any other quantity packaging which is considered
15 a wholesale pack;
- 16 (6) "Check" means an egg that has a broken shell or a crack in the shell, but whose
17 membranes are intact and whose contents are not leaking;
- 18 (7) "Commissioner" means the Commissioner of Agriculture;
- 19 (8) "Consumer" means all persons purchasing eggs for consumption and not resale;
- 20 (9) "Department" means the Department of Agriculture;
- 21 (10) "Dealer" means a person, organization, or cooperative engaged in the business of
22 buying eggs from producers or other persons, either on his own account or as an
23 agent, and selling or transferring eggs by the case or other quantity to a wholesaler,
24 processor, retailer, specialty egg processor, or other persons or consumers;
- 25 (11) "Dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or
26 foreign material, or prominent stains covering more than one-fourth (1/4) of the
27 shell surface;

1 (12) "Distributor" means any person who sells, offers, or otherwise exposes shell eggs or
 2 egg products to a wholesaler, retailer, or food service facility. "Distributor" also
 3 means any person or producer who distributes shell eggs or egg products to his or
 4 her own retail outlet, store, or food service facility;

5 (13) "Egg product" means processed and convenience forms of eggs for home and
 6 commercial use, including hard-cooked, or specialty egg products and pasteurized
 7 liquid, pasteurized frozen, or pasteurized dried egg products;

8 (14) "FDA" means the Federal Food and Drug Administration;

9 (15) "Handler" means a dealer, packer, processor, wholesaler, distributor, or retailer;

10 (16) "Inedible" means an egg that is unfit for human food in whole or in part, addled or
 11 moldy, containing black rot, white rot, blood ring, adherent yolks, or bloody whites,
 12 incubated beyond the blood ring stage, or consisting to any extent of filthy
 13 decomposed substance. This also includes any eggs unfit for human consumption
 14 due to causes other than those listed in this subsection;

15 (17) "Leaker" means an egg that has a crack or break in the shell and shell membranes to
 16 the extent that the egg contents are exposed or are exuding or free to exude through
 17 the shell;

18 (18) "Loss" means an egg that is unfit for human food because it is smashed or broken so
 19 that its contents are leaking; or overheated, frozen, or contaminated; or an incubator
 20 reject; or contains a bloody white, large meat spots, a large quantity of blood, or
 21 other foreign material;

22 (19) "Lot" means any given quantity of two (2) or more eggs of a named grade, billed on
 23 an invoice or inspected by the department;

24 **(20) "Lot consolidation" means the removal of damaged eggs from consumer labeled**
 25 **cartons and replacement of the damaged eggs with eggs of the same grade, size,**
 26 **sell by date, brand, lot, and source;**

27 **(21) [(20)]** "Packer" means any person who grades, sizes, candles, and packs eggs for

1 purposes of sale;

2 ~~(22)~~~~{(21)}~~ "Person" means any individual, firm, partnership, corporation, company,
3 association, or any other type of business entity that traffics in, handles, or sells
4 eggs, and shall include any trustee, receiver, or similar representative;

5 ~~(23)~~~~{(22)}~~ "Producer" means any person who exercises control over the production of
6 eggs and disposes of eggs from the output of his or her personally owned flock;

7 ~~(24)~~ "Registered lot consolidator" means a person who has successfully completed a
8 training course in lot consolidation approved by the department and who is
9 registered with the department;

10 ~~(25)~~ "Repacking" means changing the identity of a lot of shell eggs by removing them
11 from the original container labeled by a packer and placing them into another
12 container not labeled by the packer at the point of origin with the same grade,
13 size, sell by date, lot number, source, and brand;

14 ~~(26)~~~~{(23)}~~ "Retailer" means any person selling or offering eggs for sale to consumers in
15 this state;

16 ~~(27)~~~~{(24)}~~ "Sell" means to offer for sale, expose for sale, have in possession for sale,
17 exchange, barter, or trade;

18 ~~(28)~~~~{(25)}~~ "Shell eggs" means the product of the domesticated hen and any other egg
19 from the avian species offered for human consumption in its shell form;

20 ~~(29)~~~~{(26)}~~ "Specialty egg processor" means a person who operates a plant for the purpose
21 of breaking eggs for freezing or drying or commercial food manufacturing, and
22 includes a person distributing his or her products from out-of-state. A specialty egg
23 processor may also be known as a breaker or breaking plant;

24 ~~(30)~~~~{(27)}~~ (a) "Specialty egg products" means egg specialties processed for the food
25 service industry including: wet-pack and dry-pack prepeeled hard-cooked
26 eggs, either whole, wedged, sliced, chopped, or pickled; long rolls of hard-
27 cooked eggs; frozen omelets; egg patties; quiche; quiche mix; frozen French

1 toast; frozen scrambled egg mix in boilable pouches; frozen fried eggs; frozen
 2 precooked scrambled eggs; freeze-dried scrambled eggs; ultra-pasteurized
 3 liquid eggs; free-flowing frozen egg pellets; and specially coated shelf-stable
 4 hard-cooked eggs.

5 (b) "Specialty egg products" does not include eggs that are combined with other
 6 products in a convenience pack such as a meal, if the total package weight
 7 cannot be fairly divided between all items in the package allowing the egg
 8 product to have a separate calculated weight;

9 ~~(31)~~~~{(28)}~~ "Stop order" means an order issued by an inspector or other authorized agent
 10 of the department removing the shell egg or egg products from sale until a release or
 11 change of order has been issued by an inspector or authorized agent of the
 12 department;

13 ~~(32)~~~~{(29)}~~ "Ungraded and candled" means the general run of edible eggs as they come
 14 from the producer, not sized or graded, but candled;

15 ~~(33)~~~~{(30)}~~ "USDA" means the United States Department of Agriculture;

16 ~~(34)~~~~{(31)}~~ "Wholesaler" means a handler who is engaged in the business of buying eggs
 17 from producers or other persons on the handler's own account and selling or
 18 transferring eggs to other dealers, wholesalers, processors, or retailers, or through
 19 other distribution channels; and

20 ~~(35)~~~~{(32)}~~ "Withdraw from sale order" means an order issued by an inspector or other
 21 authorized agent of the department, permanently removing shell eggs or egg
 22 products from sale or distribution.

23 ➔Section 2. KRS 260.610 is amended to read as follows:

24 (1) All eggs bought or sold by or to retailers, consumers, and institutional users by
 25 licensees shall be identified according to grade and size, using USDA standards and
 26 weight classes for consumer grades.

27 (2) Eggs to be offered for sale for human consumption shall be handled to maintain and

- 1 preserve the quality and grade in which they are to be offered for sale, including but
 2 not limited to storage, transportation, temperature, and sanitation.
- 3 (3) A carton of eggs with any of the following existing conditions shall be removed
 4 from a retail display on a daily basis:
- 5 (a) Cracked eggs;
 - 6 (b) Leaking eggs;
 - 7 (c) Frozen eggs; or
 - 8 (d) A combination of any of the above.
- 9 (4) A retailer shall not rework or repack eggs into full cartons. Repacking shall be done
 10 only by the original packer. A retailer may, however; ~~;~~
- 11 (a) Sell an incomplete dozen size carton provided that the quantity labeling on the
 12 carton is changed to reflect the number of eggs in the carton; or
 - 13 (b) Perform lot consolidation provided the process is performed by or under
 14 the supervision of, a registered lot consolidator. The Commissioner may
 15 promulgate administrative regulations governing the requirements for lot
 16 consolidation registration and may assess a fee of no more than twenty
 17 dollars (\$20) needed to defray the costs of the registration program.
- 18 (5) No person shall sell, offer or expose for sale, or have in his possession for sale, for
 19 human consumption, eggs that are inedible, including eggs that are unfit for human
 20 food in whole or in part, addled or moldy, containing black rot, white rot, or blood
 21 ring, adherent yolks, or bloody whites, incubated beyond the blood ring stage, or
 22 consisting to any extent of filthy decomposed substance.
- 23 (6) No later than June 30 of each year, all packing plants and distributors shall submit
 24 an emergency recall plan to the department. The plan shall address policies and
 25 procedures that will be followed in the event of a recall of eggs or egg products
 26 pursuant to an inedible product designation, as described in subsection (5) of this
 27 section. If there have been no changes in the plan from the previous year, a

1 statement to that effect shall be submitted in lieu of a plan on an annual basis.

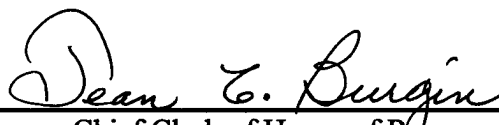
2 ➔Section 3. Whereas it is of vital importance for the Commonwealth of Kentucky
3 to protect the health and safety of its citizens, and it is to the benefit of the state and its
4 citizens to support private enterprise, an emergency is declared to exist, and this Act takes
5 effect upon its passage and approval by the Governor or upon its otherwise becoming a
6 law.



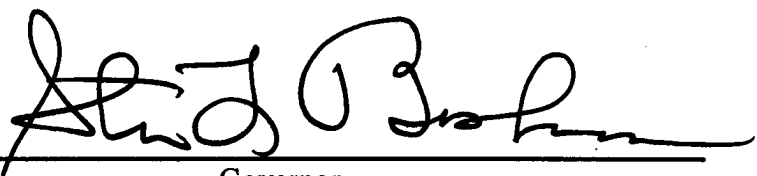
Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 3/5/14